

**§ 180.2 Applicability.**

(a) Any person who performs a function prescribed in this part shall perform that function in accordance with this part.

(b) Any person who performs a function prescribed in this part is considered subject to the regulations of this subchapter when that person—

(1) Makes any representation indicating compliance with one or more of the requirements of this part; or

(2) Reintroduces into commerce a packaging that bears markings indicating compliance with this part.

[Amdt. 180-2, 54 FR 25032, June 12, 1989, as amended by Amdt. 180-2, 56 FR 27877, June 17, 1991]

**§ 180.3 General requirements.**

(a) No person may represent, mark, certify, sell, or offer a packaging or container as meeting the requirements of this part, or an exemption pertaining to this part issued under subchapter A of this chapter, whether or not the packaging or container is intended to be used for the transportation of a hazardous material, unless it is marked, maintained, reconditioned, repaired, or retested, as appropriate, in accordance with this part, an approval issued thereunder, or an exemption issued under subchapter A of this chapter.

(b) The representations, markings, and certifications subject to the prohibitions of paragraph (a) of this section include:

(1) Identifications that include the letters "DOT", "MC", "ICC", or "UN";

(2) Exemption, approval, and registration numbers that include the letters "DOT";

(3) Test dates displayed in association with specification, registration, approval, or exemption markings indicating conformance to a test or retest requirement of this subchapter, an approval issued thereunder, or an exemption issued under subchapter A of this chapter;

(4) Documents indicating conformance to the testing, inspection, maintenance or other continuing qualification requirements of this part; and

(5) Sales literature, including advertising, indicating that the packaging or container represented therein con-

forms to requirements contained in subchapter A or C of this chapter.

[Amdt. 180-2, 54 FR 25032, June 12, 1989, as amended by Amdt. 180-3, 58 FR 33306, June 16, 1993]

**Subparts B–C [Reserved]****Subpart D—Qualification and Maintenance of Intermediate Bulk Containers**

SOURCE: Amdt. 180-5, 59 FR 38079, July 26, 1994, unless otherwise noted.

**§ 180.350 Applicability.**

This subpart prescribes requirements, in addition to those contained in parts 107, 171, 172, 173, and 178 of this chapter, applicable to any person responsible for the continuing qualification, maintenance, or periodic retesting of an intermediate bulk container.

**§ 180.351 Qualification of intermediate bulk containers.**

(a) *General.* Each intermediate bulk container used for the transportation of hazardous materials must be an authorized packaging.

(b) *Intermediate bulk container specifications.* To qualify as an authorized packaging, each intermediate bulk container must conform to this subpart, the applicable requirements specified in part 173 of this subchapter, and the applicable requirements of subparts N and O of part 178 of this subchapter.

**§ 180.352 Requirements for retest and inspection of intermediate bulk containers (IBCs).**

(a) *General.* Each intermediate bulk container constructed in accordance with a UN standard for which a test or inspection specified in paragraphs (b)(1), (b)(2) and (b)(3) of this section is required may not be filled and offered for transportation or transported until the test or inspection has been successfully completed. This paragraph does not apply to any intermediate bulk container filled prior to the test or inspection due date. The requirements in this section do not apply to DOT 56 and 57 portable tanks.